

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sumiyo Okada

Serial No. 09/336,706

Group Art Unit: 2142

Confirmation No. 7969

Filed: June 21, 1999

Examiner: Beatriz Prieto

For: MESSAGE DISPLAY METHOD AND INFORMATION EXCHANGE SYSTEM AND
STORAGE MEDIUM

PETITION FOR WITHDRAWAL OF FINALITY OF ACTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attention: **BOX AF**

Sir:

On July 1, 2005, the Examiner issued a non-final Office Action. On October 3, 2005, Applicant filed an Amendment. On October 25, 2005, the Examiner issued a Notice of Non-Compliance, which cannot be found on the PTO PAIR web-site. On the same day the Examiner issued an Office Action having a due date of November 25, 2005, making no rejections, asserting in the "Detailed Action" various interpretations of the claims, and also asserting the application was not in compliance with MPEP §§ 2163 B(II), 608.01(o) and 608.04. However, no rejections of the claims were made. On November 8, 2005, Applicant filed a Response to Notice, traversing the Notice of Non-Compliance and interpretations of the Office Action, without amending the claims. On September 14, 2006, the Examiner issued a Final Office Action with new grounds for rejection under 35 U.S.C. §§ 112 and 103.

As the Office Action of November 25, 2005 contained no rejections, it was a withdrawal of the prior rejection under 35 U.S.C. § 103 in the July 1, 2005 Office Action. Therefore, as no prior rejection was outstanding and the "Response to Notice" of October 25, 2005 did not amend the claims, the rejections under 35 U.S.C. §§ 112 and 103 are new grounds for rejection. As a result, the Examiner introduced new grounds of rejection that was not necessitated by applicant's amendment of the claims.

The applicant respectfully requests that the finality of the Action be withdrawn. (See MPEP § 706.07(a)).

It is believed that no fees are necessary with respect to this paper. If, however, fees are due please obtain same from deposit account 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 11, 2006

By: /James J. Livingston/
James J. Livingston
Registration No. 55,394

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501